

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In Re: PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESALE
PRICE LITIGATION

MDL No. 1456

Master File No. 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:
(All Actions)

Judge Patti B. Saris

DECLARATION OF ADEEL A. MANGI

I, Adeel A. Mangi, declare as follows:

1. I am associated with Patterson Belknap Webb & Tyler LLP and represent Johnson & Johnson, Johnson & Johnson Health Care Systems Inc., Centocor Inc., Ortho Biotech Products L.P., Janssen Pharmaceutica L.P., Ortho Neutrogena Inc., Ortho McNeil Pharmaceutical Inc. and McNeil-PPC in this litigation. I offer this declaration in support of Defendants' Memorandum Of Law In Opposition To Motion To Quash Subpoenas And For A Protective Order Filed By Third Party Health Plans Blue Cross Blue Shield Of Massachusetts, Carefirst Blue Cross Blue Shield, Hawaii Medical Service Association, Excellus Blue Cross Blue Shield, Blue Cross Blue Shield Of Vermont and Mutual Of Omaha Insurance Company (collectively, the "Plans").

2. I base this declaration on my own knowledge of defendants' negotiations with the Plans, a review of relevant correspondence, and my knowledge of conversations my colleagues representing defendants have had with counsel for the Plans.

3. In the course of defendants' negotiations with counsel for the Plans, Mark Ireland (who I understand has since left the law firm representing the Plans), Mr. Ireland asked us to explore the possibility of alternatives to depositions. At his request, we discussed the possibility

of the Plans submitting written declarations in lieu of testimony and at his request we forwarded him a letter detailing the salient points we would hope to address in such a declaration.

4. Attached as Exhibit 1 is Judge Saris' order of April 26, 2004 denying plaintiffs' motion for a protective order regarding subpoenas to putative class members.

5. Attached as Exhibit 2 is this Court's order compelling Aetna, Cigna and Humana to produce witnesses for deposition in response to defendants' motion to compel.

6. Attached as Exhibit 3 is the transcript of the January 27, 2005 hearing where this Court ruled from the bench granting defendants' motion to compel against Health Net.

7. Attached as Exhibit 4 is a June 1, 2005 letter sent by counsel for defendants to counsel for the Plans.

8. Attached as Exhibit 5 is an August 8, 2005 email sent by counsel for defendants to counsel for the Plans enclosing a draft motion to compel and offering to meet and confer prior to filing.

9. Attached as Exhibit 6 is a September 22, 2005 letter from counsel for the Plan to counsel for defendants stating that they would not produce any witnesses or documents pursuant to the subpoenas.

10. Attached as Exhibit 7 is a September 23, 2005 letter from counsel for defendants to counsel for the Plans responding to their letter of September 22, 2005.

11. Attached as Exhibit 8 is the Memorandum of Law in Support of Plaintiffs' Motion for a Protective Order Regarding Subpoenas to Putative Class Members dated December 3, 2003.

12. Attached as Exhibit 9 is Defendants' Memorandum In Opposition To Plaintiffs' Motion For A Protective Order dated January 9, 2004.

13. Attached as Exhibit 10 is the Reply Memorandum in Support of Plaintiffs' Motion for a Protective Order Regarding Subpoenas to Putative Class Members dated January 23, 2004.

14. Attached as Exhibit 11 are excerpts from the transcript of the March 8, 2005 hearing before Judge Saris.

15. Attached as Exhibit 12 is Case Management Order 13.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Adeel A. Mangi

Executed on this 11th day of October 2005

EXHIBIT 1

Exhibit B

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

) MDL No. 1456

) Civil Action No.

) 01-CV-12257-PBS

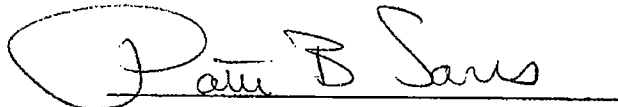
THIS DOCUMENT RELATIONS TO ALL
ACTIONS

) Judge Patti B. Saris

**[PROPOSED] ORDER DENYING PLAINTIFFS'
MOTION FOR A PROTECTIVE ORDER REGARDING
SUBPOENAS TO PUTATIVE CLASS MEMBERS**

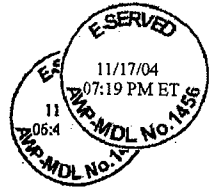
For the reasons stated in open Court at the Status Conference on March 8, 2004,
Plaintiffs' Motion for a Protective Order Regarding Subpoenas to Putative Class Members
[Docket No. 632] hereby is DENIED.

April 26
Dated: March __, 2004



The Honorable Patti B. Saris

EXHIBIT 2



From: ECFnotice@mad.uscourts.gov
Sent: 11/2/2004 3:52:31 PM
To: CourtCopy@mad.uscourts.gov
CC:
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Subject: Activity In Case 1:01-cv-12257-PBS Citizens for Consume, et al v. Abbott Laboratories,, et al "Order on Motion to Compel"

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United States District Court
District of Massachusetts

Notice of Electronic Filing

The following transaction was received from Bowler, Marianne entered on 11/2/2004 at 3:52 PM EST and filed on 11/2/2004

Case Name: Citizens for Consume, et al v. Abbott Laboratories,, et al
Case Number: 1:01-cv-12257 <https://ecf.mad.uscourts.gov/cgi-bin/DktRpt.pl?7895>

Document Number:

Copy the URL address on the line below into the location bar of your Web browser to view the document:

Docket Text:

Judge Marianne B. Bowler: Electronic ORDER entered granting in part and denying in part [996] Motion to Compel to the extent set forth in the ruling on Docket Entry # 1068. Electronic Order denying [1068] nonparties' Motion to Quash, consistent with the reasoning employed by the court at the March 8, 2004 status conference. The nonparties are ordered to appear at the noticed depositions which, absent an agreement among all participating entities, shall be taken within the next 30 days. The subject matter shall be item numbers 1-3, 5-7, 11-13, 16-17 and 20-21 as set forth in the list attached to the August 23, 2004 letter (Docket Entry # 170, Ex. F) which reiterates topics encompassed in the list of documents to be produced attached to the re-noticed deposition subpoenas (Docket Entry # 1018, Ex. E-G). As agreed to in open court by defendants, they shall pay the reasonable costs of transportation and related expenses, reasonable attorney's fees and lost income incurred by I witnesses. Electronic Order denying Motion to Compel [1090], in accordance with the prior ruling of Judge Saris on April 26, 2004 (Docket Entry # 818), inasmuch as the prior motion (Docket Entry # 632) requested an accounting of all communications between defendants and putative class members and that motion was denied. (Bowler, Marianne)

The following document(s) are associated with this transaction:

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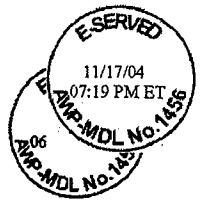
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